

**ASSEMBLY BILL**

**No. 344**

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**Introduced by Assembly Member Ian Calderon**

February 13, 2013

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An act to amend Section 1308.5 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 344, as introduced, Ian Calderon. Employment of minors: permit.

Existing law regulates the employment of minors in the entertainment industry and requires the written consent of the Labor Commissioner in the form of a permit for a minor under the age of 16 to take part in specified types of employment.

This bill would require the Labor Commissioner to impose a reasonable fee sufficient to offset the costs of carrying out these provisions, but not to exceed \$50.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1308.5 of the Labor Code is amended to
- 2 read:
- 3 1308.5. (a) This section, with the exception of paragraph (4)
- 4 of this subdivision, shall apply to all minors under the age of 16
- 5 years. The written consent of the Labor Commissioner in the form
- 6 of a permit to employ a minor in the entertainment industry is
- 7 required for any minor, not otherwise exempted by this chapter,
- 8 for any of the following:

1 (1) The employment of any minor, in the presentation of any  
2 drama, legitimate play, or in any radio broadcasting or television  
3 studio.

4 (2) The employment of any minor 12 years of age or over in  
5 any other performance, concert, or entertainment.

6 (3) The appearance of any minor over the age of eight years in  
7 any performance, concert, or entertainment during the public school  
8 vacation.

9 (4) Allowing any minor between the ages of 8 and 18 years,  
10 who is by any law of this state permitted to be employed as an  
11 actor, actress, or performer in a theater, motion picture studio,  
12 radio broadcasting studio, or television studio, before 10 p.m., in  
13 the presentation of a performance, play, or drama continuing from  
14 an earlier hour until after 10 p.m., to continue his or her part in  
15 such presentation between the hours of 10 p.m. and midnight.

16 (5) The appearance of any minor in any entertainment which is  
17 noncommercial in nature.

18 (6) The employment of any minor artist in the making of  
19 phonograph recordings.

20 (7) The employment of any minor as an advertising or  
21 photographic model.

22 (8) The employment or appearance of any minor pursuant to a  
23 contract approved by the superior court under Chapter 3  
24 (commencing with Section 6750) of Part 3 of Division 11 of the  
25 Family Code.

26 (b) Any person, or the agent, manager, superintendent, or officer  
27 thereof, employing either directly or indirectly through third  
28 persons, or any parent or guardian of a minor who employs, or  
29 permits any minor to be employed in violation of any of the  
30 provisions of this section is guilty of a misdemeanor. Failure to  
31 produce the written consent from the Labor Commissioner is prima  
32 facie evidence of the illegal employment of any minor whose  
33 written consent is not produced.

34 (c) *The Labor Commissioner shall impose a fee for the issuance*  
35 *of a permit in an amount sufficient to offset the costs of*  
36 *implementing this section, but not to exceed fifty dollars (\$50).*  
37 *The Labor Commissioner shall deposit fees collected under this*  
38 *section into the Entertainment Work Permit Fund. The funds shall*  
39 *be available to the Labor Commissioner, upon appropriation by*

1 *the Legislature, to pay for the costs associated with carrying out*  
2 *this section.*

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